

CITY OF HERMOSA BEACH
RESOLUTION NO. 23-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH
ESTABLISHING A FEE SCHEDULE FOR PERMANENT OUTDOOR DINING
AND RETAIL ENCROACHMENTS**

WHEREAS, On June 9, 2020, the Hermosa Beach City Council adopted Ordinance No. 20-1410U, Implementing a Temporary Permit for Outdoor Dining/Seating and Outdoor Retail Display to Assist in the Reopening of Restaurants, Food, and Retail Establishments during COVID-19; and

WHEREAS, In October 2021, City Council directed staff to develop permanent versions of the temporary extended outdoor dining and lane reconfiguration programs implemented during the COVID-19 pandemic; and

WHEREAS, In January of 2022, City Council approved new fees for the temporary encroachment areas allowed during COVID-19; and

WHEREAS, On January 24, 2023 City Council considered a new market rate appraisal of both existing and temporary encroachment areas citywide; and

WHEREAS, City staff has developed a new proposed fee schedule that factors in the value for private entities to use public right of way, the City's cost to administer the program, and the desire for reasonable fees that encourage effective use of the program by the businesses; and

WHEREAS, City staff has gathered input from the City Council, neighboring agencies, local businesses, and community stakeholders to develop a fee schedule that is reasonable and that captures the variety of encroachment uses in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council does hereby declare that the recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. The City Council hereby adopts the following fees and directs City staff to incorporate into the City's Master Fee schedule:

Encroachment Area Category	Proposed Fee per square foot, per month
Pier Plaza, Late Night (Business that stay open after midnight), serves alcohol	\$6.00
Pier Plaza, non-late night, serves Alcohol	\$3.00
Pier Plaza, non-late night, no alcohol; off-Pier Plaza, On-street, sidewalk and retail	\$2.00

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this resolution is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Resolution.

SECTION 4. Environmental Review. The City Council's adoption of the Resolution is not a project pursuant to State CEQA Guidelines, section 15378(b)(4). The Resolution is a government funding mechanism and fiscal activity that does not commit to any specific project. As such, the City Council action on the proposed resolution is not a project under CEQA.

SECTION 5. The City Clerk shall certify the adoption of this Resolution which shall be effective upon its adoption. The City Manager may delay the implementation of this ordinance to ensure continuity and effective and efficient execution of the Pier Plaza outdoor dining program.

PASSED, APPROVED and ADOPTED on this 25th day of April, 2023

Raymond Jackson

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney